

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:) Case No. 3:19-bk-07235
CUMMINGS MANOOKIAN, PLLC,) Chapter 7
Debtor.) Judge Walker
JEANNE ANN BURTON, TRUSTEE,)
Plaintiff,)
v.) Adv. Proc. No. 3:20-ap-90002
HAGH LAW, PLLC; AFSOON HAGH;)
MANOOKIAN, PLLC; and FIRST-)
CITIZENS BANK & TRUST COMPANY,)
Defendant.)

**ADVERSARY PROCEEDING DEFENDANTS' OPPOSITION TO
TRUSTEE'S MOTION TO STAY**

Manookian PLLC, Hagh Law PLLC, and Afsoon Hagh (collectively “the Adversary Proceeding Defendants”) jointly file this Response in Opposition to the Trustee’s attempts to delay the progression of the matter the Trustee initiated but altogether refuses to prosecute.

1. This is an adversary proceeding brought by the Trustee in the name of Cummings Manookian, PLLC (“Cummings Manookian”) well over a year ago. Cummings Manookian is a now-defunct law firm.
2. As part of the adversary proceeding, the Trustee sued two law firms and one lawyer making various not only unfounded claims, but claims that are demonstrably false, not subject to reasonable disagreement, and factually impossible.

3. For example, the Trustee has sued Afsoon Hagh for purportedly using the furniture and equipment at Cummings Manookian's former office building since November of 2019. But Ms. Hagh has not even been on the premises of that building since the birth of her first child in July of 2018. This is provable through years of surveillance video footage, key card swipe records, and on-site network logins. The Trustee's claims to the contrary are baseless and, to the present day, entirely unsupported.

4. As another example, the Trustee has alleged that Manookian PLLC has both made and received "fraudulent transfers." But the Trustee refuses to identify any such transfer by date, parties, or property. This is likely the case because Manookian PLLC has never made nor received a transfer of any kind, nor has it ever even held a bank account. The Trustee's claims are simply not based in fact.

5. The Trustee additionally variously alleges that:

- a. The Adversary Proceeding Defendants have done some undisclosed thing with some undisclosed "intellectual property" belonging to Cummings Manookian. But the Trustee will not identify that purported intellectual property or what the Defendants are alleged to have done with it.
- b. The Adversary Proceeding Defendants owe Cummings Manookian some undisclosed amount of money for some unspecified work. But the Trustee will not detail what she is even asking for from the Adversary Proceeding Defendants or the grounds on which she would be entitled to such relief.

6. The Adversary Proceeding Defendants have posed extensive written discovery to the Trustee in an effort to determine what exactly she is alleging and what mistaken set of facts upon

which her allegations rest. The Trustee has “responded” by objecting to, or otherwise refusing to answer, practically every Request for Admission, Interrogatory, and Request for Production.

7. The Trustee, for example, refuses to answer what furniture or equipment was used by Ms. Hagh; state what funds were supposedly improperly sent or received by Manookian PLLC; provide even a general description of the purported “intellectual property” supposedly taken from Cummings Manookian; or even describe the nature of any work of any kind done by Cummings Manookian that would somehow entitle it to relief from any of the Adversary Proceeding Defendants.

8. Against this backdrop, the Trustee simultaneously refuses to sit for a deposition such that the Adversary Proceeding Defendants can even attempt to ascertain where her factual allegations come from or why they were sued in this case. To that end, Counsel for Manookian PLLC has requested dates for the Trustee’s deposition over half a dozen times; those requests have been ignored.

9. In short, the Trustee was quick to make vague but highly inflammatory allegations—sounding in fraud—against an impeccably credentialed lawyer and two law firms, but when asked to provide evidence in support of her claims, she refuses.

10. This is an untenable situation for the Adversary Proceeding Defendants. The Trustee bolstered her meritless claims into a restraining order that has resulted in over \$700,000 of money earned by and belonging to Hagh Law being held in escrow for over a year. Moreover, having been sued for fraud (among other causes of action sounding in deceit and duplicitous financial behavior), Hagh Law and Afsoon Hagh have had and continue to have significant reputational and other fallout impacting the Defendants’ banking relationships and ability to acquire professional liability insurance.

11. There is no basis for a stay of these proceedings. To the contrary, it is past time for the Trustee to come forward with her evidence or dismiss her claims with an acknowledgement to the Adversary Proceeding Defendants that they had no basis in fact.

12. The Trustee initiated this lawsuit against innocent third parties, including holding hostage hundreds of thousands of dollars prior to proving a single element of a single claim. She cannot now ask for the simultaneous privilege of not having to prosecute her action.

13. The Adversary Proceeding Defendants respectfully request that the Court deny the Trustee's request to stay the proceeding so that the case may proceed toward a resolution on the merits.

14. The Adversary Proceeding Defendants further request an order from the Court directing the Trustee to submit to a deposition within the next forty-five days at a time and place convenient to all parties.

15. Finally, the Adversary Proceeding Defendants request that a trial date be set for the final hearing of this matter.

Date: March 28, 2021

Respectfully submitted,

/s/ John Spragens
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Hagh*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was filed March 28, 2021 and served electronically upon all parties in interest or their counsel as indicated on the receipt issued by the Court's electronic filing system.

/s/ John Spragens